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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,671	02/04/2004	William Wooldridge	WOOLDRIDGE 02.01	5562
7590	09/06/2005			
Dale F. Regelman Law Office of Dale F. Regelman, P.C. 4231 S. Fremont Avenue Tucson, AZ 85714			EXAMINER REHM, ADAM C	
			ART UNIT 2875	PAPER NUMBER

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/772,671

Applicant(s)

WOOLDRIDGE, WILLIAM

Examiner

Adam C. Rehm

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-21 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by RESTAURO (US 6,558,016), which provides a garment (70) comprising:

- A vest portion having a collar and a front and back (Fig. 4);
- First and second red/white LED signals (26 and 28, Paragraphs 18 and 33);
- A first and second flasher/signal provided by conduits (25, 26 and 27); and
- A vehicular power source (Paragraph 30) from a vehicle having one or more wheels (36).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-6, 8-10, 14, 18-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over RESTAURO (US 6,558,016). RESTAURO discloses the claimed

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invention including a vest portion having first and second red/white LED signals, power and conduits therefore, but does not provide for five LEDs, essential power circuitry/conduits or an LED signal on the front portion of the vest or emergency flashers.

3. Regarding the five LED signals and essential power and conduits, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add more LED signals, power circuitry/conduits therefore, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

4. Regarding the front LED (Claim 8), it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate or alter the existing signal LEDs of RESTAURO and move them to the front portion, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

5. Regarding the emergency flashers (Claim 14 and 21), RESTAURO discloses connection of the vest LEDs to the vehicular electrical system as previously cited. It is well known that emergency flashers are merely a standard mode wherein both left and right flashers are simultaneously operating upon activation of an emergency flasher switch, which is common in vehicles. As such, if the user of the RESTAURO vest were to activate the vehicle's emergency flashers/signals, which are connected to the vest LEDs, it is reasonable to assume the vest's LEDs would operate as emergency flashers

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likewise. Therefore, such would have been obvious to one having ordinary skill in the art at the time the invention was made.

6. Claims 7, 13 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over RESTAURO (US 6,558,016) as applied to claim 1 above, and further in view of SPEARING (US 6,679,615). RESTAURO discloses the claimed invention including a vest having white LEDs and a vehicular power source, but does not disclose a vest having a brake light or LED housings/lens. However, SPEARING teaches an LED brake light (18) and conduit therefore (5) for the purpose of allowing the user of the system to clearly indicate vehicular intentions (Column 1, Lines 1-14) and a housing/lens (6) for the purpose of protecting the LEDs from the elements (Column 3, Lines 51-54). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify RESTAURO and use the third LED and required circuitry, conduits and housing as taught by SPEARING in order to enhance safety via communicating vehicular intentions as well as provide a housing/lens in order to protect the LEDs from the elements.

7. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over RESTAURO (US 6,558,016) as applied to claim 11 above, and further in view of STEWART (US 6,538,567). RESTAURO discloses the claimed invention including a vest having a collar, but does not disclose a vest having sleeves. However, STEWART teaches a vest having removable sleeves 18 and 20, which is well known in the art. It

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would have been obvious to one of ordinary skill in the art at the time the invention was made to modify RESTAURO and use the removable sleeves as taught by STEWART in order to provide variety or a warmer garment.

***Allowable Subject Matter***

8. Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: No prior art of record claims a garment incorporating a license plate and illumination therefore.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. MELTON (US 2003/0107903) provides a motorcycle helmet having a brake indicator.

11. FUENTES (US 6,834,395) provides a high-visibility safety garment for a motorcyclist having LED signals for turning and brakes.

12. STEWART (US 2002/0044052) provides a motorcycle jacket with turn signals.

13. HOFFMAN (US 5,339,550) provides an illuminated/back-lit sign for adhesive bonding to clothing.

14. JOSEPH (US 2,821,035) provides a wearable license and seal-holder.

15. BRADY (US 1,436,854) provides a garment having a license holder.

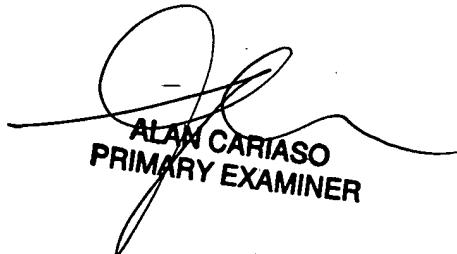
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam C. Rehm whose telephone number is 571.272.8589. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571.272.2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACR  
9/1/2005

  
ALAN CARIASO  
PRIMARY EXAMINER